

REMARKS

Correct Claims

On February 13, 2004, applicants filed the present application. A Notice to File Missing Parts of Nonprovisional Application was mailed from the PTO on May 10, 2004. One of the missing parts of the application was an oath or declaration. Applicants signed the declaration over the filed application. A copy of this declaration was sent to applicants' counsel to file with the PTO. On July 12, 2004, applicants filed the declaration with a Response to the Notice to File Missing Parts. Also attached to this response was a copy of the application. However, due to an error, a version of this application (incorrect application hereinafter) was filed which differs from the one filed with the PTO on February 13, 2004, which is the application over which the declaration was executed by applicants. Applicants' counsel inadvertently filed the incorrect application, which remained in the file from the time when the application was in its drafting phase. Thus, it is clear that the application that should be on file with the PTO is the one filed on February 13, 2004, and not the one filed with the Response to the Notice to File Missing Parts. As such, the claims pending in this application are not claims 1-14 from the incorrect application, but claims 1-18 from the application filed on February 13, 2004.

Upon reviewing the claims, it appears that the claims from the incorrect application and claims 1-18 which are actually pending in this application differ mostly only in formality type of issues. As such, applicants believe that no new Office Action is necessary to further the prosecution of this application. Applicants apologize for the confusion caused in this case to the Examiner, and request the continuation of prosecution with the correct claims 1-18. The current amendment reflects prosecution on original claims 1-18.

The Claim Objections and Sections 112 and 101 Rejections

The claim objections and rejections to the form of the claims are moot in view of the correct claims 1-18 being substituted for claims 1-14 of the incorrect application.

The Rejections Under 35 USC§ 102 and 103

Claims 1-3, 5-6, 8-11 and 13 were rejected as allegedly anticipated by Heckmeier and claim 14 was rejected as allegedly unpatentable over Heckmeier. (Claim numbers here are from incorrect application.)

The amendments to claim 1 overcome these rejections.

Support for the amendments to claim 1, can be found, for example, for the compounds of formula B-2 on page 10, lines 5-10 and 33-36, and in example 4, page 46, line 15, and page 36, lines 25-28, and for the compounds of formula IV on page 18, line 25 to page 19, line 4, page 19, 35 to page 20, line 2, and in examples 1 and 2, page 44, line 31, page 45, line 14, and page 35, lines 6-9.

No prior art rejections were made over claims 4 and 7 from the incorrect application. The material from these claims in independent form are added as new claims 20 and 21.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Csaba Henter, Reg. No. 50,908
Anthony J. Zelano, Reg. No. 27,969
Attorneys for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
Direct Dial: 703-812-5331
Facsimile: 703-243-6410

Filed: September 28, 2005

K:\MERCK\2000 - 2999\2839\REPLY SEPT 05.DOC